

EXHIBIT 37

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

ULTIMA SERVICES CORPORATION,
Plaintiff,

v.

Case No.

U.S. DEPARTMENT OF AGRICULTURE,
U.S. SMALL BUSINESS ADMINISTRATION,
SECRETARY OF AGRICULTURE, and
ADMINISTRATOR OF THE SMALL BUSINESS
ADMINISTRATION,

2:20-cv-0041-
DCLD-CRW

Defendants.

VIDEOCONFERENCE DEPOSITION OF
AMY STONEBRAKER

DATE: Wednesday, May 25, 2022

TIME: 9:32 a.m.

LOCATION: Remote Proceeding - DC
Washington, DC 20005

REPORTED BY: Timothy Guevara, Notary Public

JOB NO.: 5242863

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF ULTIMA SERVICES CORPORATION:

MICHAEL E. ROSMAN, ESQUIRE (by videoconference)

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ON BEHALF OF DEFENDANTS U.S. DEPARTMENT OF

AGRICULTURE, U.S. SMALL BUSINESS ADMINISTRATION,

SECRETARY OF AGRICULTURE, AND ADMINISTRATOR OF THE

SMALL BUSINESS ADMINISTRATION:

JULIET GRAY, ESQUIRE (by videoconference)

Department of Justice Civil Rights Division

Employment Litigation Section

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1 Q Okay. This is for 37 Secretary II positions
2 in the state of Mississippi?

3 A Okay.

4 Q It's a question. Is that your reading of
5 it?

6 A Well, that's what the letter says. Yes.

7 Q Yeah. I mean, there's a reference to
8 Virginia in the first paragraph, but that may be
9 incorrect.

10 A Yeah. No. This appears, based on the
11 table, that it's for Mississippi.

12 Q Okay.

13 A Based on what I remember, Mississippi had a
14 large need.

15 Q Okay. Very good. So if you go look to the
16 third page, there's a reference to the recommended
17 8(a) contractor being Ausdanbrook Properties.

18 A Okay. Page 3. Oh, I see it. Yes.

19 Q Paragraph Number 10?

20 A Yes.

21 Q Okay. And does that refresh your
22 recollection that Ausdanbrook Properties was the 8(a)

1 contractor that Mr. Mandell initially had in mind for
2 this particular requirement?

3 A No. Because he would've made that
4 determination as the contracting officer.

5 Q Okay. Very good. And it doesn't refresh
6 your recollection as to any problem that there may
7 have been with Ausdanbrook Properties, even if you
8 don't remember that specific name?

9 A I recall a discussion with Danny Mandell
10 that there was an issue. I thought the issue at the
11 time was that the 8(a) was not eligible. I don't
12 recall it having anything to do with an adverse
13 impact.

14 Q Okay. Well, why don't we take a look at
15 Exhibit 4, which is now in your Exhibit Share?

16 (Exhibit 4 was marked for
17 identification.)

18 A Okay.

19 Q And this is a letter from the district
20 director of the SBA office in Georgia to Mr. Mandell.

21 A Okay.

22 Q Why don't you read for yourself?

CERTIFICATE OF DEPOSITION OFFICER

I, TIMOTHY GUEVARA, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

TIMOTHY GUEVARA

Notary Public in and for the

District of Columbia

☒ [X] Review of the transcript was requested.

1 Juliet Gray, Esquire
2 Juliet.gray@usdoj.gov

3 May 28, 2022

4 Ultima Services Corporation v. US Department Of Agriculture Et
5 5/25/2022, Amy Stonebraker (#5242863)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 erratas-cs@veritext.com.

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,
23 Veritext Legal Solutions

24

25

1 Ultima Services Corporation v. US Department Of Agriculture Et
 2 Amy Stonebraker (#5242863)

3 E R R A T A S H E E T

4 PAGE 11 LINE 7 CHANGE _____

5 From: 9 or and 11 To: 9 or an 11

6 REASON typo

7 PAGE 30 LINE 7 CHANGE _____

8 From: beyond 9/30 of 2018 To: 9/30 of 2019

9 REASON misstated ending year in discussion on 2 yr funds

10 PAGE 33 LINE 22 CHANGE _____

11 From: past selected To: path selected

12 REASON misheard word used

13 PAGE 35 LINE 8 CHANGE _____

14 From: Let read that To: Let me read that

15 REASON word left out of statement

16 PAGE 61 LINE 17 CHANGE _____

17 From: NRC To: NRCS

18 REASON Wrong typed acronym

19 PAGE 84 LINE 21 CHANGE _____

20 From: 5611100 To: 561110

21 REASON NAICS code incorrectly typed

22 Page 86 Line 11 CHANGE- From: Temporary health services

To: Temporary help services

23 REASON Incorrect word typed in statement

24 Page 108 Line 13 CHANGE From: once the test orders

To: once the task orders

25 Reason Incorrect word typed

Amy Stonebraker AMY
 STONEBRAKER

Digitally signed by AMY
 STONEBRAKER
 Date: 2022.06.14
 08:06:05 -04'00'

Date: 06/14/2022

